

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF RHODE ISLAND

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Sonya Robinson-Gibbs on behalf of herself  
and those similarly situated,

Plaintiffs,

v.

Case No. 1:13-cv-00182-M-PAS

RBS Citizens, N.A., d/b/a CCO Mortgage,  
Charter One, and Citizens Bank,

Defendant.  
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**DECLARATION OF BRENDAN J. DONELON**

BRENDAN J. DONELON, states on personal knowledge and under penalty of perjury:

1. I am the president and managing attorney at the law offices of DONELON, P.C.  
and am one of the attorneys representing Plaintiffs in the above-captioned action.

2. I am an attorney in good standing with the States of Missouri and Kansas.

3. I have represented employees and consumers in class and collective action  
lawsuits for more than seven years. Over that time, I have represented loan officers in lawsuits to  
recover overtime pay in at least 10 cases. Based on that experience, as well as my experience in  
other class and collective litigation and settlements, I am convinced that this settlement is fair  
and reasonable.

4. DONELON, P.C.'s firm resume is attached hereto. As detailed therein, the firm  
has been appointed class counsel in numerous significant wage and hour collective and class  
actions.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 16, 2013

/s/Brendan J. Donelon

Brendan J. Donelon  
DONELSON, P.C.  
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**Counsel for Plaintiffs**

A law firm fighting for your fair pay.



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**DONELON, P.C.** was founded by attorney Brendan J. Donelon and is located in Kansas City, Missouri. It is a law practice focused primarily in complex wage and hour class action claims. It litigates cases throughout the country. Within the past three years, DONELON, P.C. has resolved in excess of \$25 million under numerous class action wage and hour matters. Attorneys Brendan J. Donelon and Daniel W. Craig also have extensive experience with jury trials in both state and federal courts.

**ATTORNEY BRENDAN J. DONELON:** Mr. Donelon has been litigating employment and wage matters for close to fifteen years. He is licensed in State of Missouri; State of Kansas; Federal District Court Western District of Missouri; Federal District Court Eastern District of Missouri; Federal District Court of Kansas; Federal District Court for the Southern District of Illinois; Federal District Court for the Northern District of Illinois; Federal District Court for the Northern District of Florida; United States Court of Appeals for the Eighth Circuit; United States Court of Appeals for the Tenth Circuit. His educational background is as follows:

**University of Missouri,** Kansas City, MO.  
Degree: Juris Doctorate.  
Deans List: Winter 1992, 1994, 1995.  
Graduation: May 6, 1995.

**Truman State University,** Kirksville, MO.  
Degree: B.S. Economics.  
G.P.A. = 3.49/4.0; Major 4.0/4.0.  
Deans List: (> 3.5 g.p.a.) last six semesters.  
Graduation: May 9, 1992.

Mr. Donelon has litigated a large number of class action matters under the Fair Labor Standards Act (FLSA) and related class claims under Fed.R.Civ.P. 23. This includes being designated as lead class counsel in numerous lawsuits. This would include the following:

- In re: Bank of America Wage and Hour Employment Practices Litigation: United States District Court for the District of Kansas, case no.: 10-MD-2138. Initiated in 2010, Donelon appointed as lead counsel over a multi-district litigation that consolidated over 30 class action claims against Bank of America regarding failure to pay a class of over 130,000 hourly employees proper overtime at their retail banking locations, and over 40,000 hourly employees at their call centers.

- Bell, et al. v. Citizens Financial Group, Inc., et al. United States District Court for the W.D. of Pennsylvania, case no.: 10-CV-0320. Filed: March, 2010. Class action claim under FLSA and related state law claims for misclassification of assistant branch managers working at over 1100 branches. Seeking class counsel status.
- Martin, et al. v. Citizens Financial Group, Inc., et al. United States District Court for the E.D. of Pennsylvania, case no.: 10-CV-0260. Filed: January 21, 2010. Class action claim under FLSA and related state law claims for nonexempt bank employees working at over 1100 branches. Seeking class counsel status.
- Waters, et al. v. Kryger Glass Company. United States District Court for the Western District of Missouri, case no.: 09-CV-1003. Filed: November 30, 2009. Class action claim under FLSA for time shaving related to employees working at eight facilities. Seeking class counsel status.
- Gordillo, et al. v. Bank of America, N.A. United States District Court for the Eastern District of California, case no.: 09-CV-1954. Filed: November 23, 2009. Class action claim brought under California wage and hour laws on behalf of all call center employees for failing to pay overtime for pre and post shift work. Seeking class counsel status.
- Schreiber, et al. v. Bank of America, N.A. United States District Court for the District of Kansas, case no.: 09-CV-1336. Filed: October 30, 2009. Class action claim brought under FLSA on behalf of all call center employees nationwide for failing to pay overtime for pre and post shift work. Seeking class counsel status.
- West, et al. v. Citywide Mortgage Associates, Inc. United States District Court for the District of Kansas, case no.: 09-CV-2542. Filed: October 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Seeking class counsel status.
- McKinzie, Jr. et al. v. Westlake "Ace" Hardware, Inc. United States District Court, Western District of Missouri, case no.: 09-0796. Filed: September 28, 2009. Class action claim on behalf of floor supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states. Seeking class counsel status.
- Ross, et al. v. RBS Citizens, N.A. (d/b/a Charter One), et al. United States District Court for the Northern District of Illinois, case no.: 09-CV-5695. Filed: September 14, 2009. Class action claim under the FLSA and related state law claims on behalf of all nonexempt bank branch employees in four states covering over 300 locations. Also, a misclassification claim for assistant branch managers for the same area. Granted lead class counsel status for FLSA class claims, pending for Rule 23 claims.
- Carson, et al. v. Mortgage Lenders of America, L.L.C. United States District Court for the District of Kansas, case no.: 09-CV-2437-CM. Filed: August 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status.
- McFadden, et al. v. Corrections Corporation of America United States District Court for the District of Kansas, case no.: 09-2273-EFM. Filed: May 21, 2009. Class action claim on behalf of all assistant shift supervisors for misclassification under the FLSA. Case covers employees at over 60 facilities in over 30 states. Granted lead class counsel status.
- Shockey, et al. v. Huhtamaki Consumer Packaging, Inc. et al. United States District Court for the District of Kansas, case no.: 09-CV-2260. Filed: May 15, 2009. Class action claim under the FLSA on behalf of all hourly plant employees at ten facilities for off the clock work and time clock rounding. Seeking class counsel status.

- Childress, et al. v. Ozark Delivery of Missouri, L.L.C. United States District Court, Western District of Missouri, case no.: 09-3133. Filed on: April 24, 2009. Class action claim under the FLSA on behalf of all delivery drivers who were not paid any overtime compensation. Granted lead class counsel status.
- Busler, et al. v. Enersys Energy Products, Inc. et al. \$3.25 million settlement approved on 4-7-2010. United States District Court for the Western District of Missouri, case no.: 09-CV-0159. Filed on: February 27, 2009. Class action claim under the FLSA on behalf of all plant employees at four locations for failure to properly pay for donning and doffing. Granted lead class counsel status.
- Brawner, et al. v. Bank of America, N.A. United States District Court for the District of Kansas, case no.: 09-CV-2073. Filed on: February 13, 2009. Class action claim under FLSA and related state laws on behalf of nonexempt employees working at over 6000 banking centers nationwide for off the clock work and time shaving. Seeking lead class counsel status.
- Creten-Miller, et al. v. Westlake "Ace" Hardware, Inc. United States District Court for the District of Kansas, case no.: 08-2351. Filed: July 31, 2008. Class action claim on behalf of front end supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states. Granted lead class counsel status. Case settled.
- Loyd, et al. v. Ace Logistics, L.L.C. et al. United States District Court, Western District of Missouri, case no.: 08-0188. Filed: March 13, 2008. Class action claim under the FLSA on behalf of all delivery drivers who were not paid any overtime compensation. Granted lead class counsel status.
- Humphrey, et al. v. Bank Mortgage Solutions, L.L.C. & Bank VI. Settlement approved 02/18/2010. Filed: April 28, 2009. United States District Court for the District of Kansas, case no.: 09-CV-2224. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status.
- Mayes, et al. v. The Geo Group, Inc. Settlement approved 10/31/2009. Filed on: August 6, 2008. United States District Court for the Northern District of Florida, case no.: 08-CV-0248. Class action claim under the FLSA on behalf of in excess of 11,000 security guards at private prison for off the clock work and time clock rounding. Granted lead class counsel status.
- Chankin, et al. v. Tihen Communications, Inc. Confidential Settlement Approved 09/11/2009. United States District Court, Eastern District of Missouri, case no.: 08-0196. Filed: February 7, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status.
- Thomas Payson, et al. v. Capital One Home Loans. Confidential Settlement Approved 03/26/09. United States District Court, District of Kansas, case no.: 07-2282. Class action claim under FLSA, and related Rule 23 class claims under Kansas law, on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Filed on: June 29, 2007. Granted lead class counsel status.
- Barnwell, et al. v. Corrections Corporation of America. \$7 million Settlement approved 02/12/2009. United States District Court for the District of Kansas, case no.: 08-CV-2151. Filed: April 3, 2008. Class action claim under the FLSA on behalf of in excess of 16,000 security guards at private prison for off the clock work and time clock rounding. Granted lead class counsel status.
- Staton, et al. v. Cavo Broadband Communications, L.L.C. Confidential Settlement Approved 01/12/2009. United States District Court, Eastern District of Missouri, case no.: 08-CV-0273

Filed: February 27, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status.

- Morak, et al. v. CitiMortgage, Inc. Confidential Settlement Approved 09/23/2008. United States District Court, Eastern District of Missouri, case no.: 07-1535. Filed: August 29, 2007. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status.
- Smith, et al. v. Mill-Tel, Inc. Confidential Settlement Approved 08/28/2008. United States District Court, District of Kansas, case no.: 08-2016. Filed: January 8, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status.
- Michael Hamilton, et al. v. ATX Services, Inc. Confidential Settlement Approved 05/06/2008. United States District Court, Western District of Missouri, case no.: 08-0030. Filed: January 11, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status.
- Mische, et al. v. North American Savings Bank, F.S.B. Confidential Settlement approved May 18, 2009. United States District Court for the District of Kansas, case no.: 08-CV-2535-CM Filed on: October 27, 2008. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status.
- Most, et al. v. General Nutrition Centers, Inc. Confidential Settlement approved July 23, 2007. United States District Court for the District of Kansas, case no.: 06-CV-2330. Filed on: August 9, 2006. Class action claim brought under the FLSA on behalf of over 6000 store managers for failing to properly calculate and pay overtime. Granted lead class counsel status.
- Canterbury, et al. v. Parsons Construction Company. Confidential settlement approved July 3, 2007. Filed on: January 26, 2007. United States District Court for the Western District of Missouri, case no: 06-CV-4281. Class action claim under the FLSA on behalf of workers for failing to compensate for pre and post shift work. Granted lead class counsel status.

**ATTORNEY DANIEL W. CRAIG:** Mr. Craig is a 1995 graduate of the University of Missouri – Kansas City School of Law. Dan has over thirteen years of significant experience in state and federal courts representing plaintiffs in employment and personal injury matters. This includes many trial experiences. He is licensed in the state courts of Missouri and Illinois, the Federal District Court of Missouri for the Western and Eastern Districts, and the Kansas Federal District Court. Dan has briefed and argued before the Supreme Court of Missouri, Missouri Court of Appeals, Western, Eastern and Southern Districts, and before the Eighth Circuit Court of Appeals.

Mr. Craig has had several experiences litigating wage and hour class action claims. This includes being designated as lead class counsel in five lawsuits. His experience in this area is as follows:

- Bell, et al. v. Citizens Financial Group, Inc., et al. United States District Court for the W.D. of Pennsylvania, case no.: 10-CV-0320. Filed: March, 2010. Class action claim under FLSA and related state law claims for misclassification of assistant branch managers working at over 1100 branches. Seeking class counsel status.
- Martin, et al. v. Citizens Financial Group, Inc., et al. United States District Court for the E.D. of Pennsylvania, case no.: 10-CV-0260. Filed: January 21, 2010. Class action claim under FLSA

and related state law claims for nonexempt bank employees working at over 1100 branches. Seeking class counsel status.

- Waters, et al. v. Kryger Glass Company. United States District Court for the Western District of Missouri, case no.: 09-CV-1003. Filed: November 30, 2009. Class action claim under FLSA for time shaving related to employees working at eight facilities. Seeking class counsel status.
- Gordillo, et al. v. Bank of America, N.A. United States District Court for the Eastern District of California, case no.: 09-CV-1954. Filed: November 23, 2009. Class action claim brought under California wage and hour laws on behalf of all call center employees for failing to pay overtime for pre and post shift work. Seeking class counsel status.
- Schreiber, et al. v. Bank of America, N.A. United States District Court for the District of Kansas, case no.: 09-CV-1336. Filed: October 30, 2009. Class action claim brought under FLSA on behalf of all call center employees nationwide for failing to pay overtime for pre and post shift work. Seeking class counsel status.
- West, et al. v. Citywide Mortgage Associates, Inc. United States District Court for the District of Kansas, case no.: 09-CV-2542. Filed: October 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Seeking class counsel status.
- McKinzie, Jr. et al. v. Westlake "Ace" Hardware, Inc. United States District Court, Western District of Missouri, case no.: 09-0796. Filed: September 28, 2009. Class action claim on behalf of floor supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states. Seeking class counsel status.
- Ross, et al. v. RBS Citizens, N.A. (d/b/a Charter One), et al. United States District Court for the Northern District of Illinois, case no.: 09-CV-5695. Filed: September 14, 2009. Class action claim under the FLSA and related state law claims on behalf of all nonexempt bank branch employees in four states covering over 300 locations. Also, a misclassification claim for assistant branch managers for the same area. Granted lead class counsel status for FLSA class claims, pending for Rule 23 claims.
- Carson, et al. v. Mortgage Lenders of America, L.L.C. United States District Court for the District of Kansas, case no.: 09-CV-2437-CM. Filed: August 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status.
- Shockey, et al. v. Huhtamaki Consumer Packaging, Inc. et al. United States District Court for the District of Kansas, case no.: 09-CV-2260. Filed: May 15, 2009. Class action claim under the FLSA on behalf of all hourly plant employees at ten facilities for off the clock work and time clock rounding. Seeking class counsel status.
- Brawner, et al. v. Bank of America, N.A. United States District Court for the District of Kansas, case no.: 09-CV-2073. Filed on: February 13, 2009. Class action claim under FLSA and related state laws on behalf of nonexempt employees working at over 6000 banking centers nationwide for off the clock work and time shaving. Seeking lead class counsel status.
- Creten-Miller, et al. v. Westlake "Ace" Hardware, Inc. United States District Court for the District of Kansas, case no.: 08-2351. Filed: July 31, 2008. Class action claim on behalf of front end supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states. Granted lead class counsel status. Case settled.



- Humphrey, et al. v. Bank Mortgage Solutions, L.L.C. & Bank VI. Settlement approved 02/18/2010. Filed: April 28, 2009. United States District Court for the District of Kansas, case no.: 09-CV-2224. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status.
- Mische, et al. v. North American Savings Bank, F.S.B. Confidential Settlement approved May 18, 2009. United States District Court for the District of Kansas, case no.: 08-CV-2535-CM Filed on: October 27, 2008. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status.

Mr. Craig also has experience in litigating other complex employment and personal injury matters which include:

- Levings, et al. v. Rent-A-Center, Inc., 4:00-CV-00596-ODS. Class action lawsuit for employment discrimination. Settled for an amount in excess of \$13,000,000.00.
- Allen et al. v. Thorn Americas, Inc., et al., 4:97-CV-01159-SOW. Class action lawsuit for employment discrimination. Settled for \$6,500,000.00.
- Wooten, et al., v. Dillards, Inc., 4:99-CV-00990-ODS. Class action lawsuit for employment discrimination. Settled for \$5,600,000.00.
- Ross v. KCP&L, 4:98-CV-00674-ODS. One of approximately 40 individual employment discrimination cases brought against the defendant. Jury verdict obtained in the amount of \$1,500,000.00, and settled prior to appeal. Remaining cases settled for confidential amount.
- Barnes, et al. v. Gateway, Inc., et al., 4:99-CV-00586-GAF. Multiple plaintiff employment discrimination lawsuit. Settled for confidential amount.
- Thorne v. Sprint, PCS, 4:00-CV-00913-HFS. Sexual harassment employment claim. Jury verdict obtained in amount of \$1,200,000.00. Settled prior to appeal.
- Boshears v. Saint-Gobain Calmar, Inc., 04CV220714. Two clients received moderate to severe burns as a result of flash fire that occurred while removing gas pipes. Negligence claim was brought against property owner. Jury verdict obtained in the amount of \$3,060,000.00. Verdict affirmed on appeal.
- Smith v. City of KCMO, et al., 05CV23300. Intersection accident which led to death of mother and serious injuries to daughter. Suit was brought against other driver and against KCMO for failing to maintain traffic signage. Total settlement obtained in the amount of \$1,500,000.00.
- Haynes v. Edgerson Ins. Agency, 04CV214433. Negligent failure to procure insurance case. Jury verdict obtained in the amount of \$4,297,500.00. Parties entered into settlement agreement.
- Norris v. Mo. West Conf., et al., 31102CC4167. Intentional failure to supervise clergy case. Jury verdict obtained in the amount of \$6,000,000.00. Parties settled prior to appeal.